

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2005-_____

AMENDING CEASE AND DESIST ORDER NO. R5-2002-0211 Amendment 1
NPDES NO. CA0078662

EL DORADO IRRIGATION DISTRICT
DEER CREEK WASTEWATER TREATMENT PLANT

EL DORADO COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Board) finds:

1. On 6 December 2002, the Regional Board adopted Waste Discharge Requirements (WDR) Order No. R5-2002-0210, NPDES No. CA0078662, prescribing waste discharge requirements for El Dorado Irrigation District (hereafter Discharger) for the Deer Creek Wastewater Treatment Plant (DCWWTP) in El Dorado County. WDR Order No. R5-2002-0210 regulates the discharge of approximately 2.5 million gallons per day (mgd) of treated domestic wastewater to Deer Creek, a tributary of the Cosumnes River.
2. Also on 6 December 2002, the Regional Board adopted Cease and Desist Order (CDO) No. R5-2002-0211, with requirements and time schedules to bring the discharge into compliance with receiving water limitations. The discharge from the DCWWTP may dominate the flow in Deer Creek during periods of low natural flow in Deer Creek. CDO No. R5-2002-0211 was issued because domination of the flow by effluent has caused violations of Basin Plan water quality objectives and receiving water limitations for pH, temperature, and turbidity.
3. The Discharger developed a proposal for Basin Plan Amendments (BPAs) for pH, turbidity, and temperature water quality objectives specific to Deer Creek. The pH, turbidity, and temperature objectives would be amended, if appropriate, in lieu of making treatment plant improvements for compliance with existing objectives. Studies were completed to determine whether BPAs were appropriate for pH, turbidity, and temperature objectives. The results of the study were compiled in a BPA Technical Report and the requirements of the California Environmental Quality Act were addressed in the Functional Equivalent Document.
4. On 17 October 2003, the Regional Board adopted Cease and Desist Order No. R5-2002-0211 Amendment 1 to amend the compliance schedule of CDO No. R5-2002-0211. Additional time was required to allow the Discharger to pursue the Site-Specific Basin Plan Amendments for pH, turbidity, and temperature water quality objectives. The compliance schedule required that the Discharger achieve compliance with the Receiving Water Limitations for pH, turbidity, and temperature listed in Waste Discharge Requirements Order No. R5-2002-0210, by 1 December 2004.

**T
E
N
T
A
T
I
V
E**

5. The Regional Board adopted Site-Specific Basin Plan Amendments for pH and turbidity on 19 July 2002. The pH and turbidity amendments became effective on 22 January 2003 after approval by the State Water Resources Control Board, State of California Office of Administrative Law, and US Environmental Protection Agency.

The Basin Plan, Chapter III, page III-6.00 has been amended by the addition of the following sentence to the end of the “pH section”:

For Deer Creek, source to Cosumnes River, pH shall not be depressed below 6.5 nor raised above 8.5.

The Basin Plan, Chapter III, page III-9.00 has been amended by the addition of the following to the end of the “Turbidity section”:

For Deer Creek, source to Cosumnes River:

- *When the dilution ratio for discharges is less than 20:1 and where natural turbidity is less than 1 Nephelometric Turbidity Unit (NTU), discharges shall not cause the receiving water daily average turbidity to exceed 2 NTUs or daily maximum turbidity to exceed 5 NTUs. Where natural turbidity is between 1 and 5 NTUs, discharges shall not cause receiving water daily average turbidity to increase more than 1 NTU or daily maximum turbidity to exceed 5 NTUs.*
- *Where discharge dilution ratio is 20:1 or greater, or where natural turbidity is greater than 5 NTUs, the general turbidity objectives shall apply.*

6. The Regional Board adopted Site-Specific Basin Plan Amendments for temperature on 31 January 2003 and the State Water Resources Control Board approved the amendments on 19 February 2004. The temperature amendments will not be effective until after approval by the State of California Office of Administrative Law and US EPA.
7. Findings and Receiving Water Limitations in Waste Discharge Requirements Order No. R5-2002-0210 will be amended in a separate Resolution to incorporate the recent Basin Plan Amendments for pH and turbidity water quality objectives and the current status of the temperature objectives.
8. This Resolution includes amendments to the Findings and Orders of CDO No. R5-2002-0211 Amendment 1 to reflect the amended Receiving Water Limitations for pH and turbidity and include a new compliance schedule for temperature.
9. The action to adopt or amend an NPDES permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.), requiring preparation of an environmental impact report or negative declaration in accordance with Section 13389 of the California Water Code.

10. The Regional Board has notified the Discharger and interested agencies and persons of its intent to amend waste discharge requirements for this discharge and has provided them with an opportunity for public hearing and an opportunity to submit their written views and recommendations.
11. The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge.
12. This Order shall amend Cease and Desist Order No. R5-2002-0211 Amendment 1, NPDES No. CA0078662, pursuant to Section 402 of the Clean Water Act, and amendments thereto, and shall take effect upon the date of hearing, provided US EPA has no objections.

IT IS HEREBY ORDERED that Cease and Desist Order No. R5-2002-0211 Amendment 1 is amended solely to change the Findings for pH, turbidity, and temperature and to amend the compliance schedules for pH and turbidity, and for temperature. El Dorado Irrigation District, its agents, successors and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with Amended Order No. R5-2002-0211 Amendment 1:

1. Finding No. 3 of Cease and Desist Order No. R5-2002-0211 Amendment 1 shall be amended as follows (new language is highlighted and deleted language is shown in strikethrough):
3. WDR Order No. R5-2002-0210 contains receiving water limitations for pH, turbidity and temperature with which the discharge ~~cannot~~ **has not been able to** comply. Cease and Desist Order No. R5-2002-0211, adopted by the Regional Board on 6 December 2002, included a time schedule for completion of Basin Plan Amendments (BPA) for site-specific pH, turbidity and temperature objectives for Deer Creek **by 1 December 2003**. The Regional Board adopted BPAs for pH and turbidity on 19 July 2002 and for temperature on 31 January 2003. **In the Basin Planning Process**, ~~These BPAs must be approved by the State Water Resources Control Board (State Board), State of California Office of Administrative Law, and US EPA before the BPAs become~~ **ing** effective. **In September 2002, to provide additional time for the BPA process, the compliance date was amended to 1 December 2004 in Cease and Desist Order No. R5-2002-0211 Amendment 1. The pH and turbidity amendments became effective on 22 January 2003 and the Discharger must now comply with them. Waste Discharge Requirements Order No. R5-2002-0210 will be amended in a separate Resolution to incorporate the recent BPAs for pH and turbidity water quality objectives into the Findings and Receiving Water Limitations. The temperature BPA was approved by the State Board on 19 February 2004 but has not yet been acted on by the Office of Administrative Law and the US EPA. Due to the length of this BPA approval process, and delays in submitting the temperature BPA to the State Board for approval, the time schedule in CDO No. R5-2002-0211 Amendment 1 will not accommodate the remaining BPA approval process for temperature.**

AMENDMENT OF CEASE AND DESIST ORDER
RESOLUTION NO. R5-2005-_____
EL DORADO IRRIGATION DISTRICT
DEER CREEK WASTEWATER TREATMENT PLANT
EL DORADO COUNTY

- 4 -

2. Order No. 4 of Cease and Desist Order No. R5-2002-0211 Amendment 1 shall be amended as follows (new language is highlighted and deleted language is shown in strikethrough):
4. The El Dorado Irrigation District shall comply **immediately** with the Receiving Water Limitations for pH; ~~and~~ turbidity ~~and temperature~~ contained in Amended Waste Discharge Requirements Order No. R5-2002-0210 and shall comply with the Receiving Water Limitations for temperature contained in Amended Waste Discharge Requirements Order No. R5-2002-0210 **by 1 December 20042005**.

I, THOMAS R. PINKOS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on _____ 2005.

THOMAS R. PINKOS, Executive Officer